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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,332	10/06/2000	Charles A. Hudson	52493.000059	9111
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Hunton & Williams 1900 K Street, N.W. Washington, DC 20006-1109				
			EXAMINER KENDALL, CHUCK O	
			ART UNIT 2122	PAPER NUMBER

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/680,332

Applicant(s)

HUDSON ET AL.

Examiner

Chuck Kendall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed 03/04/2004.
2. Claims 1 – 30 have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 3, 5 – 7, 9 – 18, ²⁰21, 22, 24 – 30 are rejected under 35 U.S.C. 103(a) as being obvious over Hossain et al. USPN 5,581,749 (hereinafter Hossain), in view of Stryniewicz et al. USPN 6,591,417 B1 (hereinafter Stryniewicz).

Regarding claim 1, a process for managing a migration of one or more enhancements of a production software system, where the production software system comprises a plurality of program modules, the process comprising the steps of:

receiving at least one enhancement from the developer, wherein the at least one enhancement is an enhancement of software code (See 1: 23 – 26, for software (DMBS), also see updating the software which is the global code system 2:65 – 3: 25);

receiving approval of the quality at least one enhancement from a quality assurance module (14:5-11, see verify utility and update module); notifying at least one entity of the migration of the at least one enhancement to the

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production software system (14:16 -19, see notifying about update(enhancement)); analyzing the at least one enhancement to ensure conformity with the production software system (14:13, for analyze see verify); migrating the at least one enhancement to the production software system(13:15-20, see distribute module for migrating); notifying at least one entity of the migration of the at least one enhancement to the production software system (14:16-19, see notifying about update(enhancement)). Hossain doesn't explicitly disclose migrating the at least one enhancement to the model software system, where the model software system comprises an equivalent of the production software system and analyzing the at least one enhancement to ensure conformity with the model software system. However, Stryniewicz does disclose this feature in a similar configuration (Col.1:45-60). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to combine Hossain and Stryniewicz because, use of models and test systems or simulations during updating makes system ensures fewer errors and system maintainability.

Regarding claim 2 the process according to claim 1, wherein the enhancement is one of a new program module or a modified program module (Hossain, 13:55-65, see update and new key value).

Regarding claim 3 the process according to claim 1, wherein the step of analyzing the at least one enhancement to ensure conformity with the model software system further comprises reviewing a request for service record associated with the at least one enhancement (Hossain, 14:5-11, see verify utility and error status).

Regarding claim 5 the process according to claim 1, wherein the step of analyzing the at least one enhancement to ensure conformity with the model software system further comprises reviewing instructions for migrating the at least one enhancement into the model software system (Hossain, 21:37).

Regarding claim 6 the process according to claim 1, wherein the step of analyzing the at least one enhancement to ensure conformity with the model

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software system further comprises determining at least one distribution location for enhancement for migration (18:40-65, also see 3: 5 – 12, for distribution see global code system).

Regarding claim 7 the process according to claim 1, wherein the step of analyzing the at least one enhancement to ensure conformity with the production software system further comprises reviewing a request for services record associated with the at least one Enhancement (Hossain, 21:37).

Regarding claim 9 the process according to claim 1, wherein the step of analyzing the at least one enhancement to ensure conformity with the production software system further comprises reviewing instructions migrating the at least one enhancement into the production software system (Hossain, 21:37).

Regarding claim 10 see claim 6 for reasoning.

Regarding claim 11 the process according to claim 1, wherein the at least one entity comprises one of

- a) the quality assurance module (Hossain, 14:5-11, see verify utility and update module); ;
- b) the developer (Hossain, 21:37, see administrator); and
- c) an end user of the production software system (Hossain, fig 8, 814).

Regarding claim 12 the process according to claim 1, further comprising the step of resolving conflicts between the at least one enhancement and the model software system (20:55-65, see error management).

Regarding claim 13 the process according to claim 1, further comprising the step of resolving conflicts between the at least one enhancement and in the production software system (Hossain, 20:55-65, see error management).

Regarding claim 14, see reasoning in claim 5.

Regarding claim 15, see reasoning in claim 5.

Regarding claim 16, see reasoning in claim 1.

Regarding claim 17, see reasoning in claim 2.

Regarding claim 18, see reasoning in claim 3.

Regarding claim 20, see reasoning in claim 5.

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Regarding claim 21, see reasoning in claim 6.

Regarding claim 22, see reasoning in claim 7.

Regarding claim 24, see reasoning in claim 9.

Regarding claim 25, see reasoning in claim 6.

Regarding claim 26, see reasoning in claim 11.

Regarding claim 27, see reasoning in claim 12.

Regarding claim 28, see reasoning in claim 13.

Regarding claim 29, see reasoning in claim 14.

Regarding claim 30, see reasoning in claim 15.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 8, 19 & 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hossain et al. USPN 5,581,749 hereinafter Hossain in view of in view of Stryniewicz et al. USPN 6,591,417 B1 (hereinafter Stryniewicz) as applied in claim 1, and further in view of May et al. USPN 5,999,741.

Regarding claims 4, & 8 Hossain as modified by Stryniewicz discloses all the claimed limitations as applied in claim 1 above as well as running after migrating see (Stryniewicz, fig. 2, 35). The combination of Hossain and Stryniewicz doesn't explicitly disclose a schedule for migrating the at least one enhancement into the model software system. However, May does disclose this limitation in a similar environment (1:65-67, MIS managers). Therefore it would have been obvious to one ordinary skill in the art at the time the invention was

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made to combine Hossain as modified by Stryniewicz with May because, scheduling during updating or software enhancing makes applying enhancements to a system more time efficient and less conflicting.

Regarding claims 19, & 23 see reasoning in claim 4.

Response to Arguments

7. Applicant's arguments with respect to claims 1 - 30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Correspondence Information

9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam *can be* reached at (703) 305-4552.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

For facsimile (fax) send to 703-7467239 official and 703-7467240 draft

Chuck O. Kendall

Software Engineer Patent Examiner

United States Department of Commerce

Chameli C. Das
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